
Minutes
Regular Meeting
June 24, 2015

Present: Mayor Kenneth Neilson, Councilmen Garth Nisson, Thad Seegmiller, Ronald Truman, Jeff Turek, City Attorney Jeff Starkey, City Manager Roger Carter, City Recorder Danice Bulloch, Community Development Director Drew Ellerman, Administrative Services Manager Kimberly Ruesch, Public Works Director Mike Shaw, Police Chief Jim Keith, Deputy Recorder Tara Pentz, Audience: Charlotte Wride, T.J. Adams, Marcus Kemp, Hyrum Burgoyne, Roger Blessing, Elfe Blessing, Cindy Keegan, Mike Keegan, Ann Hall, Troy Belliston, Mori Kessler, Jayden Smith

Excused: Councilman Thad Seegmiller and Kress Staheli

Meeting called to order at 6:00 P.M.

Invocation: Councilman Turek

Pledge of Allegiance: Marcus Kemp

1. **APPROVAL OF THE AGENDA**

Mayor Neilson asked Item 8A be removed from the agenda.

*Councilman Truman made a motion to approve the agenda with the removal of Item 8A.
Councilman Turek seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

2. **ANNOUNCEMENTS**

None

3. **DECLARATION OF ABSTENTIONS & CONFLICTS**

None

4. **CONSENT AGENDA**

APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meetings of 06/10/15.

ALCOHOL LICENSES: Consideration to give Local Consent to Perks! Espresso & Smoothies located at 520 W. Telegraph #2.

Councilman Turek made a motion to approve the consent agenda. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

5. **ROAD CLOSURE**

A. Consideration to approve a request to close a portion of Prickley Pear Drive, from Cerritos Drive to Yucca Lane, on August 1, 2015 for a neighborhood block party. Applicant: Ann Hall

Ann Hall explained this has been an annual event for their neighborhood. The event went very well the previous year, and they are hopeful to have a great turnout again. In addition, she would like to have a small band in attendance and would like to know if it would be an issue.

Councilman Turek stated he thought a band would be fine. Most of the neighborhood will be in attendance, so there should not be any issues. Please remember to be aware of the sound and how it may affect people in the evening.

Councilman Truman made a motion to approve a request to close a portion of Prickley Pear Drive, from Cerritos Drive to Yucca Lane, on August 1, 2015 for a neighborhood block party. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

6. **PRELIMINARY PLAT**

A. Consideration to approve a Preliminary Plat for the Chateau Meadows, located at approximately 2700 South 300 East. Applicant: Ray Cox

Community Development Director Drew Ellerman reviewed:
The applicant is requesting approval for a preliminary plat for the Chateau Meadows subdivision, located at approximately 2700 South 300 East. The applicant is wishing to develop 8 lots on an area covering 9.8 acres. The location of this particular project is zoned Residential/Agricultural - Half Acre Min. (RA-1/2).

The proposed subdivision conforms to the approved zoning. The request meets the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Preliminary plat for the Chateau Meadows subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A preliminary and final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

12. Developer shall provide a letter from the St. George Canal Company, accepting the stormwater proposed to discharge into the irrigation canal, prior to any construction drawing approval.

Councilman Truman asked about the potential flooding, which has occurred on adjacent parcels.

Community Development Director Ellerman stated there will be a stormwater pipe along the Adams Lane Subdivision, which should alleviate some of the flooding.

Councilman Truman asked about the completion of 300 East, as they currently have half a road.

Public Works Director Mike Shaw stated they are working with the property belonging to Pheasant Meadows. The subdivision was completed a very long time ago, and they will most likely have to form a SID to complete the road.

Councilman Truman made a motion to approve approve a Preliminary Plat for the Chateau Meadows, located at approximately 2700 South 300 East with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

7. PUBLIC HEARINGS AND RELATED ORDINANCES

A. Public Hearing for consideration of adopting a Resolution to open and amend the Washington City 2014/2015 Fiscal Year Budget. Kimberly Ruesch, Administrative Services Manager

Administrative Services Manager Kimberly Ruesch reviewed the changes, which need to be made in order to close the budget for the 2014/2015 budget. A Resolution is required to open and amend the budget in order to make those changes.

No public comments were made.

Councilman Turek made a motion close the public hearing. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

B. Consideration to approve Resolution amending the revenues and expenditures of the Washington City 2014/2015 Fiscal Year Budget. Kimberly Ruesch, Administrative Services Manager

Councilman Turek made a motion to approve a Resolution amending the revenues and expenditures of the Washington City 2014/2015 Fiscal Year Budget. Councilman Truman seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

C. Public Hearing for consideration of adopting a Resolution authorizing a 10-year loan from the sewer fund to the general fund to cover prior years operating losses of the golf course. The proposed terms and conditions of the interfund loan is for a principal amount not to exceed \$1,000,000 for a term not to exceed 10 years beginning June 30, 2015. The interest rate will be a fixed rate of 2.38% which is based off the rate of a US Treasury note of a comparable term and will be compounded annually. Kimberly Ruesch, Administrative Services Manager

Administrative Services Manager Kimberly Ruesch reviewed the terms of the proposed interfund loan.

Councilman Truman clarified the interest rate for repayment is noted at 2.38%.

Administrative Services Manager Ruesch explained it is the amount required for long term repayment.

No public comments were made.

Councilman Truman made a motion close the public hearing. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

D. Consideration to approve a Resolution authorizing a 10-year loan from the sewer fund to the general fund.

Councilman Truman made a motion to approve a Resolution authorizing a 10-year loan from the sewer fund to the general fund not to exceed a 10 year repayment at the interest rate of 2.38%. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

E. Public Hearing for consideration of adopting an Ordinance approving Zone Change request Z-15-07 to add an overlay zone of a Residential Rentals, Short Term to existing Multiple Family Residential (R-3) zoning designation, located at

approximately 3800 S. Washington Fields Road. Applicant: Dan Hoopes

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval to add the Overlay Zone of “Residential Rentals, Short Term” to the currently zoned Multiple-Family - Residential (R-3) property. The area requested is approximately 12.08 acres in size and located at approximately 3800 South Washington Fields Road.

The proposed change is for possible future development of a project that could/would allow for a short term rental (vacation rental) subdivision. Recently, the Planning Commission and City Council passed two ordinance amendments for such uses to be applied for throughout the city.

Staff has reviewed the proposed overlay zone request, finding that it meets the minimum criteria in parcel size and would be a good fit for the area. The property is designated in the General Plan as Medium High Density which is intended to act as a transition area between commercial mixed use and medium density residential developments.

The Planning Commission unanimously recommended approval of Z-15-07, for the overlay-zone request, adding the “Residential Rentals, Short Term Overlay Zone to the current/existing Multiple-Family Residential (R-3) zoning designation, to the City Council, based on the following findings:

Findings

1. That the requested overlay zoning conforms to the intent of the land use designation of the General Plan.
2. That the requested overlay zoning will be compatible with surrounding developments.
3. That the request meets the minimum parcel size of five (5) acres as required in the Zoning Regulations.

Councilman Truman asked if there are any additional requests at this time.

Community Development Director Ellerman stated they have a request in an existing PCD, which would be coming to Council at the upcoming meeting. However, this is the only request for an entire parcel.

Charlotte Wride asked why type of zoning they are asking for, and how long short-term rentals are for.

Councilman Turek stated short-term rentals can be on a nightly basis.

Ms. Wride clarified this is only for the zoning of short-term rentals, but not the types of buildings.

Councilman Turek confirmed she was correct.

Councilman Truman made a motion close the public hearing. Councilman Nisson seconded the motion; which passed with the following roll call vote:

Councilman Nisson Aye
Councilman Truman Aye
Councilman Turek Aye

F. Consideration to approve an Ordinance approving Zone Change Z-15-07 by adding an overlay zone allowing Short Term Residential Rentals.

Councilman Turek made a motion to approve an Ordinance approving Zone Change Z-15-07 by adding an overlay zone allowing Short Term Residential Rentals. Councilman Nisson seconded the motion; which passed with the following roll call vote:

Councilman Nisson Aye
Councilman Truman Aye
Councilman Turek Aye

G. Public Hearing for consideration of Amending the Washington City Code, by amending portions of Title 9 Zoning Regulations, to allow Mobile Food Vendors in the Commercial and Industrial Zones. Sections: 9-1-6, 9-9-2-(A), 9-10A-2 (A), 9-10B-2-(2), 9-10C-2(A0, 9-10D-2(A0 and 9-11-2(D). Drew Ellerman, Community Development Director

Community Development Director Drew Ellerman reviewed:

The City is wishing to amend the City Code for the purpose of considering the allowance of mobile food vendors in commercial and industrial designated zoning districts. Staff has prepared the following proposed changes to the Administrative And Professional (AP), Community Commercial (C-1), Service Commercial (C-2), General Commercial (C-3), Downtown Mixed Use (DM) and Industrial/Business Park (I-1, I-2 & BP) zoning chapters.

The Chapter containing the "Definitions" (9-1-6) in the Zoning Regulations, will be amended to add the term "MOBILE FOOD VENDOR":

MOBILE FOOD VENDOR:

A. Any business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term "mobile food vendor" does not include vending carts or mobile ice cream vendors.

B. No person shall operate a mobile food vendor business without first obtaining a business license and site plan approval from the city. Mobile food vendors operations and vehicles shall comply with all applicable local, county, state and federal requirements relating to the handling and distribution of food, including the Utah Department of Health and Southwest Utah Department of Health. Mobile

food vendors shall: not have a drive through; be kept in good operating condition; only operate on private property with written permission from the owner of the property; provide for proper methods of trash disposal and keep the area maintained and in a clean condition; not operate within a one hundred foot (100') radius of any public restaurant entrance or city sponsored event selling food; adhere to the city sign and other applicable ordinances.

The (AP), (C-1), (C-2), (C-3) and (DM) zoning chapters will simply add the permitted use of "Mobile food vendor" in Section 2(A) "Permitted Uses".

The (I-1), (I-2) and (BP) zoning chapter will also, simply add the permitted use of "Mobile food vendor" in Section 2(D) "List Of Uses" chart.

The Planning Commission unanimously recommended approval of the Amendment to the Washington City Zoning Regulations, Title 9: Chapter 1-6 "Definitions"; Chapters 9-2A, 10A-2(A), 10B-2(A), 10C-2(A), 10D-2(A) "Permitted Uses"; and Chapter 11-2(D) "List Of Uses", allowing for mobile food vendors in commercial and industrial zones, to the City Council.

Councilman Nisson asked if they can set up on City property.

Community Development Director Ellerman stated they would only be allowed on City property when a special event was being held by Washington City.

Councilman Truman asked how the sales tax is collected.

City Manager Roger Carter explained Washington City would be placed as an outlet on their sales tax number. A list of the vendors would be reviewed quarterly to make certain they are paying their taxes.

Charlotte Wride asked how the vendors who go to construction sites would be affected.

City Recorder Danice Bulloch explained mobile vendors traveling to construction sites are licensed differently, and are required to have a solicitor's license.

Councilman Turek made a motion close the public hearing. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

H. Consideration to approve an Ordinance amending the Washington City Code Title 9 Zoning Regulations to allow Mobile Food Vendors in certain areas within the Commercial and Industrial Zones.

Councilman Turek made a motion to approve an Ordinance amending the Washington City Code Title 9 Zoning Regulations to allow Mobile Food Vendors in certain areas within the Commercial and Industrial Zones. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

8. RESOLUTIONS

A. Consideration to approve a Resolution of the City Council of Washington, Utah, supporting the HB 362 (2015) Authorized 0.25% local optional General Sales Tax dedicated to transportation, encouraging the County of Washington to submit the proposal to voters in November 2015, and encouraging voters to support the proposal. Jeff Starkey, City Attorney

Removed

9. NET METERING AGREEMENT

A. Consideration to approve an addendum to Washington City Net Metering Agreement declaring application eligible or granting an exception. Jeff Starkey, City Attorney / Kelly Carlson, Power Department Director

City Attorney Jeff Starkey reviewed the Net Metering Agreement exception. Washington City has received a request from Burton Lumber for Net Metering. A parent company of Burton Lumber owns their building, and they are leasing from themselves essentially. However, there is a clause within the agreement, which states rentals are not eligible for the Net Metering. Staff would like to recommend to Council, this request would be an exception as it is a building owned by the same companies.

Councilman Truman made a motion to approve an addendum to Washington City Net Metering Agreement declaring application eligible or granting an exception. Councilman Nisson seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

10. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE

None

11. CITY MANAGER REPORT

City Manager Carter updated Council on current projects within Washington City. He reviewed

pictures of the progress on the construction on Sullivan Park.

12. ADJOURNMENT

Councilman Nisson made a motion to adjourn the meeting. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Meeting adjourned at 7:00 P.M.

Passed and approved this 8th day of July 2015.

Attest by:



Danice B. Bulloch, City Recorder



Washington City


Kenneth F. Neilson, Mayor